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Letter dated 28 December 2018 from the Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya, containing an account of the Committee's activities from 1 January to 31 December 2018. The report, which was approved by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

I should be grateful if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Olof **Skoog**
Chair
Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

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Report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya covers the period from 1 January to 31 December 2018.

2. The Bureau of the Committee consisted of Olof Skoog (Sweden) as Chair and the representative of the Netherlands as Vice-Chair.

II. Background

3. By its resolution 1970 (2011), the Security Council established the Committee and imposed a two-way arms embargo on Libya, as well as a travel ban and an asset freeze on designated individuals and entities, and outlined exemptions to those measures. The Committee is tasked with, among other things, overseeing the implementation of the sanctions measures. By its resolution 1973 (2011), the Council established a panel of experts to assist the Committee in carrying out its mandate and imposed additional measures relating to Libya, including the authorization to protect civilians, the establishment of a no-fly zone and a ban on flights of Libyan aircraft, in addition to authorizing inspections, including on the high seas, in relation to the arms embargo. In both resolutions, the Council outlined criteria for designation under the travel ban and asset freeze measures and listed specific individuals and/or entities as subject to those measures. Subsequently, in its resolutions 2009 (2011), 2016 (2011), 2040 (2012) and 2095 (2013), the Council terminated or eased some of the measures and introduced further exemptions thereto, delisted two entities and terminated the authorization for inspections, including on the high seas.

4. By its resolution 2146 (2014), the Security Council decided to impose measures, such as prohibitions on loading, transporting or discharging crude oil, entering ports, bunkering services or other servicing, and financial transactions, in relation to designated vessels attempting to export crude oil illicitly from Libya. Exemptions to the measures were also included. Subsequently, in its resolution 2362 (2017) the Council decided to extend the measures making them applicable to vessels loading, transporting or discharging petroleum, including crude oil and refined petroleum products, illicitly exported or attempted to be exported from Libya. By its resolution 2174 (2014), the Council reinforced the arms embargo and expanded the designation criteria, which it further elaborated in its resolutions 2213 (2015), 2362 (2017) and 2441 (2018).

5. Provisions for Member States to inspect, in their territory, cargo to and from Libya and designated vessels on the high seas were included in the sanctions regime in the context of the enforcement of the arms embargo and of the measures aimed at preventing the illicit export of petroleum from Libya. By its resolution 2292 (2016), the Council also authorized for 12 months inspections on the high seas off the coast of Libya of vessels believed to be carrying arms or related materiel to or from Libya in violation of the arms embargo, provided that good-faith efforts were made to first obtain the consent of a vessel's flag State. Such authorization was renewed in resolutions 2357 (2017) and 2420 (2018) for additional, successive periods of 12 months. By its resolution 2441 (2018), the Security Council extended for a further

15 months the authorizations and measures set out in resolution 2146 (2014) and previously extended in resolution 2362 (2017).

6. The membership of the Panel of Experts on Libya initially consisted of eight experts, was then reduced to five experts under resolution 2040 (2012) and then again was increased to six experts under resolution 2146 (2014). The Panel's mandate was most recently renewed in resolution 2441 (2018).

7. Further background information on the Libya sanctions regime can be found in the previous annual reports of the Committee.

III. Summary of the activities of the Committee

8. The Committee met four times in informal consultations, on 9 February, 3 April, 25 May and 23 August, in addition to conducting its work through written procedures.

9. During the informal consultations held on 9 February, the Committee heard a presentation by the Panel of Experts on its interim report, prepared in accordance with resolution 2362 (2017), and discussed the recommendations contained therein.

10. During the informal consultations held on 3 April, the Committee discussed the issue of leaks to the media of confidential information and heard briefings by the Secretariat and the Panel of Experts. It also discussed reports of alleged devaluation and losses related to the assets freeze imposed pursuant to Security Council resolutions.

11. During the informal consultations held on 25 May, the Committee discussed a proposal for designation of additional individuals as subject to the assets freeze and travel ban measures. Libya also participated in that meeting.

12. During the informal consultations held on 23 August, the Committee heard a presentation by the Panel of Experts on its final report under resolution 2362 (2017) and discussed the recommendations contained therein.

13. Following the informal consultations held on 9 February and 23 August, and in accordance with paragraph 104 of the annex to the note by the President of the Security Council (S/2017/507), the Committee issued press releases containing brief summaries of the meetings.

14. On 1 and 2 November, the Chair of the Committee led a Committee visit to Libya, the first such visit since the inception in 2011 of the sanctions regime. While the approved terms of reference had indicated Tripoli and Beida as the two destinations to be visited, the Committee only visited Tripoli in November, owing to the closure of Beida Airport. The Chair intends to visit all areas agreed in the terms of reference as soon as possible subject to logistical and security arrangements.

15. The Committee adopted two implementation assistance notices to provide guidance to Member States on the application of the provisions of the resolutions regarding the assets freeze in relation to the payment of management fees on frozen assets and on the payment of interest and other earnings on frozen assets, on 4 December and 17 December, respectively.

16. On 17 January, 21 March, 21 May, 16 July and 5 September, the Chair of the Committee briefed the Security Council on the activities of the Committee, pursuant to paragraph 24 (e) of resolution 1970 (2011) (see S/PV.8159, S/PV.8211, S/PV.8273, S/PV.8312, and S/PV.8341).

17. The Committee received two implementation reports from two Member States. The Committee responded to three requests for guidance relating to the arms embargo and the asset freeze.

18. The Committee sent 66 communications to 17 Member States and other stakeholders with reference to the implementation of the sanctions measures.

IV. Exemptions

19. Exemptions to the arms embargo are contained in paragraph 8 of resolution 2174 (2014), which supersedes the exemption contained in paragraph 13 (a) of resolution 2009 (2011) as modified by paragraph 10 of resolution 2095 (2013); paragraph 13 (b) of resolution 2009 (2011); and paragraph 9 (c) of resolution 1970 (2011).

20. Exemptions to the asset freeze are contained in paragraphs 19 to 21 of resolution 1970 (2011) and paragraph 16 of resolution 2009 (2011).

21. Exemptions to the travel ban are contained in paragraph 16 of resolution 1970 (2011).

22. Exemptions to the measures in relation to attempts to illicitly export petroleum, including crude oil and refined petroleum products, from Libya are contained in paragraphs 10 (c) and 12 of resolution 2146 (2014).

23. The Committee approved three arms embargo exemption requests invoking paragraph 9 (c) of resolution 1970 (2011). The Committee received seven asset freeze notifications invoking paragraph 19 (a) of resolution 1970 (2011), on which it took no negative decision. The Committee granted a travel ban exemption request invoking paragraph 16 (a) of resolution 1970 (2011) and approved an extension to that request. The Committee also twice approved an extension to a previously granted travel ban exemption request. The Committee did not approve three delisting requests from two listed individuals to no longer be subject to the travel ban measure pursuant to paragraph 15 of resolution 1970 (2011).

V. Sanctions list

24. The criteria for the designation of individuals and entities as subject to the travel ban and asset freeze are set out in paragraph 22 of resolution 1970 (2011), paragraph 23 of resolution 1973 (2011), paragraph 11 of resolution 2146 (2014), paragraph 4 of resolution 2174 (2014), paragraph 11 of resolution 2213 (2015), paragraph 11 of resolution 2362 (2017) and paragraph 11 of resolution 2441 (2018). The procedures for requesting listing and delisting are described in the Committee's guidelines for the conduct of its work.

25. The Committee listed six individuals on 7 June, one individual on 11 September and one individual on 16 November as subject to the travel ban and assets freeze. On 17 September, the Committee enacted amendments to the entries concerning five individuals listed on the sanctions list. On 18 April and 7 June 2018, the Committee allowed the listings of two vessels to expire.

26. As at the end of the reporting period, there were 28 individuals and two entities on the sanctions list of the Committee.

VI. Panel of Experts

27. On 2 August, in accordance with paragraph 14 of resolution 2362 (2017), the Panel of Experts provided its final report to the Committee (S/2018/812), which was transmitted to the Security Council on 5 September and issued as a document of the Council.

28. On 27 December, following the adoption by the Security Council of resolution 2441 (2018) on 5 November, the Committee approved the proposed six individuals to serve on the Panel with expertise in arms (two experts), finance, armed groups, armed groups/regional matters and maritime/transport matters. The mandate of the Panel expires on 15 February 2020.

29. The Panel conducted visits to Belgium, Egypt, France, Greece, Italy, the Netherlands, the Niger, Spain, Switzerland, Tunisia, Turkey, the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland and the United States of America. In Libya, members of the Panel undertook visits to Tripoli and Misrata.

30. In pursuance of its mandate, the Panel, through the Secretariat, sent 176 letters to Member States, the Security Council, the Committee and international and national entities.

VII. Secretariat administrative and substantive support

31. The Security Council Affairs Division provided substantive and procedural support to the Chair and the members of the Committee. Advisory support was also provided to Member States to promote understanding of the sanctions regimes and facilitate the implementation of the sanctions measures. Induction briefings were also provided to incoming members of the Council to familiarize themselves with the specific issues relevant to the sanctions regime. The Division supported the visit of the Chair and members of the Committee to Libya on 1 and 2 November.

32. To support the Committee in its recruitment of well-qualified experts to serve on sanctions monitoring groups, teams and panels, a note verbale was sent to all Member States on 5 December to request the nomination of qualified candidates for membership of the roster of experts. In addition, a note verbale was sent to all Member States on 9 July notifying them of upcoming vacancies on the Panel of Experts and providing information on recruitment timelines, areas of expertise and pertinent requirements.

33. The Division continued to provide support to the Panel of Experts, by conducting an induction for newly appointed members and assisting in the preparation of the Panel's interim report submitted in January and its final report submitted in May. In August, the Secretariat circulated an updated handbook for sanctions experts, which contained information to facilitate their work and to answer frequently asked questions that may arise during their term. The information is based on relevant United Nations rules and regulations as well as practices and procedures established by the Secretariat.

34. The Secretariat continued to update and maintain the Consolidated United Nations Security Council Sanctions List and the committee-specific sanctions lists in the six official languages and the three technical formats. Furthermore, the Secretariat implemented improvements concerning the effective utilization of and access to sanctions lists, as well as the further development in all official languages of the data model approved in 2011 by the Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh),

Al-Qaida and associated individuals, groups, undertakings and entities, as requested by the Council in paragraph 54 of resolution 2368 (2017).

35. Pursuant to paragraph 2 of resolution 2357 (2017), the Secretary-General submitted his report on the implementation of resolution 2357 (2017) on 11 May 2018 (S/2018/451).